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DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED-2012-OPE-0008]

Negotiated Rulemaking Committee; Public Hearings

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of additional hearing and extension of comment date.

SUMMARY: In May 2012, we announced our intention to establish a negotiated rulemaking committee to prepare proposed regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (title IV Federal Student Aid programs).

On April 16, 2013, we announced additional topics for consideration by that committee and three public hearings at which interested parties may comment.

We now announce a fourth public hearing at which interested parties may comment on the topics suggested by the Department and may suggest additional topics for consideration for action by the negotiated rulemaking committee.

We extend the deadline date for the submission of written comments to June 4, 2013.

DATES: The dates, times, and locations of the four public hearings are listed under the SUPPLEMENTARY INFORMATION section of this notice.

The deadline for the receipt of written comments suggesting issues that should be considered for action by the negotiated rulemaking committee is extended to June 4, 2013.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID (listed at the beginning of this notice) at the top of your comments.

- Federal eRulemaking Portal: Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket is available on the site under "How to Use Regulations.gov" in the Help section.

- Postal Mail, Commercial Delivery, or Hand Delivery. If you mail or deliver your comments about these proposed regulations, address them to Wendy Macias, U.S. Department of Education, 1990 K Street, NW., room 8017, Washington, DC

20006.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For information about the public hearings, go to

<http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html> or contact: Wendy Macias, U.S. Department of Education, 1990 K Street, NW., room 8017, Washington, DC 20006. Telephone: (202) 502-7526. Email: [wendy.macias@ed.gov](mailto:wendy.macias@ed.gov).

For information about negotiated rulemaking in general, see The Negotiated Rulemaking Process for Title IV Regulations, Frequently Asked Questions at <http://www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html> or contact: Wendy Macias, U.S. Department of Education, 1990 K Street, NW., room 8017, Washington, DC 20006. Telephone: (202) 502-7526. Email: [wendy.macias@ed.gov](mailto:wendy.macias@ed.gov).

If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting Wendy Macias, U.S. Department of Education, 1990 K Street, NW., room 8017, Washington, DC 20006. Telephone: (202) 502-7526. Email: [wendy.macias@ed.gov](mailto:wendy.macias@ed.gov).

SUPPLEMENTARY INFORMATION: On May 1, 2012, we published a notice in the Federal Register (77 FR 25658) announcing our intent to establish a negotiated rulemaking committee under section 492 of the HEA to develop proposed regulations designed to prevent fraud and otherwise ensure proper use of title IV Federal Student Aid program funds, especially within the context of current technologies. In particular, we announced our intent to propose regulations to address the use of debit cards and other banking mechanisms for disbursing title IV Federal Student Aid program funds, and to improve and streamline the campus-based Federal Student Aid programs. That notice also announced two public hearings at which interested parties could comment on the topics suggested by the Department and suggest additional topics for consideration for action by the negotiated

rulemaking committee. Those hearings were held on May 23, 2012, in Phoenix, Arizona, and on May 31, 2012, in Washington, DC. We invited parties to comment and submit topics for consideration in writing as well.

On April 16, 2013, we published a notice in the Federal Register (78 FR 2247), as corrected at 78 FR 25235, announcing additional topics for consideration for action by the negotiated rulemaking committee. We announced three additional public hearings at which interested parties could comment on the new topics suggested by the Department and suggest additional topics for consideration for action by the negotiating committee. We also invited parties unable to attend a public hearing to submit written comments on the additional topics and to submit other topics for consideration.

We now announce a fourth public hearing.

We are also extending the deadline date for the submission of written comments from May 30, 2013, to June 4, 2013.

#### Public Hearings

We will hold four public hearings for interested parties to discuss the topics suggested by the Department for consideration for action by the negotiated rulemaking

committee and to suggest additional topics for the rulemaking agenda. The public hearings will be held on:

- May 21, 2013, at the U.S. Department of Education, 1990 K Street, NW., Eighth Floor Conference Center, Washington, DC 20006.
- May 23, 2013, at the University of Minnesota, Twin Cities, Hubert H. Humphrey School of Public Affairs, Cowles Auditorium, 301 19th Avenue S, Minneapolis, MN 55455.
- May 30, 2013, at the University of California, San Francisco, UC Hall, Toland Hall Auditorium (Room U142), 533 Parnassus Avenue, San Francisco, CA 94143.
- June 4, 2013, at Spelman College, William and Camille Cosby Auditorium, 350 Spelman Lane, Atlanta, GA 30314.

The public hearings will be held from 9:00 a.m. to 4:00 p.m., local time. Further information on the public hearing sites, including directions, is available at <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html>.

Individuals desiring to present comments at the public hearing must register by sending email to [negreghearing@ed.gov](mailto:negreghearing@ed.gov). The email should include the name of the presenter along with a general timeframe during which

the individual would like to speak (for example, a presenter could indicate morning or afternoon, or before 11 a.m. or after 3 p.m.). We will attempt to accommodate each speaker's preference but, if we are unable to do so, we will make the determination on a first-come, first-served basis (based on the time and date the email was received). It is likely that each participant will be limited to five minutes. The Department will notify registrants of the location and time slot reserved for them. An individual may make only one presentation at the public hearings. If we receive more registrations than we are able to accommodate, the Department reserves the right to reject the registration of an entity or individual that is affiliated with an entity or individual that is already scheduled to present comments and to select among registrants to ensure that a broad range of entities and individuals is allowed to present. We will accept walk-in registrations for any remaining time slots on a first-come, first-served basis beginning at 8:30 a.m. on the day of the public hearing at the Department's on-site registration table.

Speakers may also submit written comments. In addition, for anyone who does not present at a public hearing, the Department will accept written comments

through June 4, 2013. (See the ADDRESSES sections of this notice for submission information.)

Transcripts from the hearings can be found at <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html>. Written comments may be viewed through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov).

Instructions for finding comments are available on the site under "How to Use Regulations.gov" in the Help section.

Individuals can enter docket ID ED-2012-OPE-0008 in the search box to locate the appropriate docket.

After a review of the public comments presented at the public hearings and in the written submissions, we will publish a notice in the Federal Register announcing the specific subject areas for which we intend to establish a negotiated rulemaking committee and requesting nominations for individual negotiators for the committee. This notice will also be posted on the Department's Web site at:

<http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html>.

We intend to select participants for the negotiated rulemaking committee from nominees of the organizations and groups that represent the interests significantly affected by the proposed regulations. To the extent possible, we will select individual negotiators who reflect the



diversity among program participants, in accordance with section 492(b)(1) of the HEA.

#### Regulatory Issues

For the convenience of the reader, we repeat the additional topics for consideration that we published in April 2013. The topics are: cash management of funds provided under the title IV Federal Student Aid programs; State authorization for programs offered through distance education or correspondence education; State authorization for foreign locations of institutions located in a State; clock to credit hour conversion; gainful employment; changes made by the Violence Against Women Reauthorization Act of 2013, Public Law 113-4, to the campus safety and security reporting requirements in the HEA; and the definition of "adverse credit" for borrowers in the Federal Direct PLUS Loan Program. Descriptions of these issues are in the April 16, 2013 notice.

#### Schedule for Negotiations

We anticipate that any committee established after the public hearings will begin negotiations in September 2013, with the committee meeting for up to three sessions of approximately four days each at roughly monthly intervals. The committee will meet in the Washington, DC area. The dates and locations of these meetings will be published in

a subsequent document in the Federal Register, and will be posted on the Department's Web site at:

<http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html>.

Electronic Access to This Document: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available via the Federal Digital System at:

[www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of the Department published in the Federal Register, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the Federal Register by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov).

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1098a.

Delegation of Authority: The Secretary of Education has delegated authority to Brenda Dann-Messier, Assistant

Secretary for Vocational and Adult Education, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: May 8, 2013

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Brenda Dann-Messier,  
Assistant Secretary for  
Vocational and Adult  
Education, delegated the  
authority to perform the  
functions and duties of the  
Assistant Secretary for  
Postsecondary Education.

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